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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,625	10/30/2003	Anthony Wong	20341-72632	7292
23643	7590	10/03/2005	EXAMINER	
BARNES & THORNBURG 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204			HUNNINGS, TRAVIS R	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/697,625

Applicant(s)

WONG ET AL.

Examiner

Travis R. Hunnings

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-25 is/are rejected.
- 7) ☒ Claim(s) 16 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15 and 17-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trunk Tracker III (TT; Trunk Tracker III, BC780XLT Operating Guide).

Regarding claim 1, TT discloses the *Trunk Tracker III 500-Channel Trunk Tracking Scanner* that has the following claimed limitations:

The claimed plurality of transmitters for transmitting audio at different frequencies from different locations is met by the Trunk Tracker monitoring frequencies from 25 MHz to 1300 MHz and using it to monitor a plurality of different types of transmitters including police, fire, and many more (introduction);

The claimed at least one receiver remote from the transmitters for receiving and announcing the transmitted audio from the plurality of transmitters is met by the Trunk Tracker itself that scans for the active frequencies and announces the audio from those frequencies (page 2);

The claimed receiver having a first mode for sequentially announcing the transmitted audio from the transmitters and a second mode for announcing the audio from a selected transmitter is met by the Trunk Tracker having both a SCAN mode and a MAN (manual channel/frequency access) mode (page 4).

The preamble of the claim stating “a remote child monitoring system” is given little or no weight in consideration of the rejection because it does not breathe life into the claim. However, examiner states that it would have been obvious to one of ordinary skill in the art that the Trunk Tracker would have been able to be used to monitor a plurality of pre-existing child monitoring units operating on separate frequencies in order to monitor more than one child such as at a nursery or day-care center.

Regarding claim 2, the claimed receiver continuously and sequentially announces the transmitted audio from the transmitters in the first mode is met by the SCAN mode scanning through frequencies and announcing the frequencies audio for a set period of time (page 23).

Regarding claim 3, the claimed at least two transmitters and at least one of which is portable is met by the Trunk Tracker being able to monitor a wide range of transmitters including police and fire department radios which are well known to be portable (introduction).

Regarding claim 4, the claimed at least two receivers each having the first and second modes would have been obvious to one of ordinary skill in the art by simply using two separate Trunk Tracker units in order to monitor the audio at separate places within a residence.

Regarding claim 5, the claim is interpreted and rejected as claim 4 stated above.

Regarding claim 6, the claimed at least one of the receivers being portable is met by the Trunk Tracker being mountable in a vehicle (page 8).

Regarding claim 7, the claimed at least one of the receivers having a transmission mode is met by the tape output of the Trunk Tracker transmitting the received audio to a tape recorder for saving the audio received (rear view).

Regarding claim 8, the claimed receiver in the first mode announces the audio for each transmitter for a period of 3 to 10 seconds is met by the delay time of the Trunk Tracker being able to be set from 1 to 10 seconds (pages 24 and 25).

Regarding claim 9, the claimed transmitters transmit continuously when turned on is met by the Trunk Tracker being able to monitor audio from all different frequencies, including frequencies from child monitor units, which are well known in the art to transmit audio continuously (introduction).

Regarding claim 10, the claimed transmitter including a switch to select one of at least two frequencies of transmission would have been obvious in view of the Trunk Tracker being able to receive transmissions from CB radios which are well known to have multiple frequency transmission modes. The claimed receivers including indication of which transmitter is being announced is met by the display screen showing the current channel/frequency that is being announced (page 23).

Regarding claim 11, the claimed receiver includes a switch to select one of at least two frequencies of transmission for each of the transmitters is met by the Trunk Tracker being able to select any frequency in the range of 25 MHz to 1300 MHz (page 23 and introduction).

Regarding claim 12, the claimed receiver including indication of which transmitter is being announced is met by the display screen showing the current channel/frequency that is being announced (page 23).

Regarding claim 13, the claimed receiver including indication of which transmitter is being announced and level of the audio being received is met by the display screen showing the current channel/frequency that is being announced (page 23) and the signal strength indicator showing the strength of the signal that is being received (front view and display).

Regarding claim 14, the claimed receiver including indication of which transmitter is being announced and level of the audio being received is met by the display screen showing the current channel/frequency that is being announced (page 23) and the volume knob showing the user the level of audio that is being output (front view and display).

Regarding claim 15, the claimed receiver including a different indicator for each transmitter and indicating which transmitter is being announced is met by the display screen showing which channel/frequency is currently being monitored and announced using separate and unique numbers for each channel/frequency (page 23).

Regarding claim 17, the claimed receiver including indication of level of the audio being announced is met by the volume knob showing the user the level of audio that is being output (front view and display).

Regarding claim 18, examiner takes official notice that it is well known in the art to have volume indication on a display screen, such as an LCD screen on a stereo, be represented by a group of progressively larger bars of light that allow the user to quickly glance at the screen and determine the volume level that is currently being output.

Regarding claim 19, the claimed control for selecting between the modes and selecting the transmitter in the second mode is met by the SCAN and MAN buttons selecting the particular mode of operation (page 23).

Regarding claim 20, the claimed control including a first button for the first mode and a separate second button for each of the transmitters is met by the SCAN, MAN and numeric buttons that allow the user to selectively activate a particular transmitter channel/frequency (page 23).

Regarding claim 21, examiner takes official notice that it is well known in the art to use translucent buttons that are backlit in order to indicate the current mode of operation of a device.

Regarding claim 22, the claimed transmitter and the receivers being portable and including a battery source is met by the Trunk Tracker being mounted in a vehicle and attached to the battery of the vehicle (pages 8 and 9).

Regarding claim 23, the claimed transmitter and the receivers including a power source of one of a battery and a plug for a power outlet is met by the AC adapter for the Trunk Tracker (page 10) and it would have been obvious that the various transmitters that the Trunk Tracker monitors would have had some form of power from batteries or AC power.



Regarding claim 24, the claimed plurality of transmitters for transmitting audio at different frequencies from different locations is met by the Trunk Tracker monitoring frequencies from 25 MHz to 1300 MHz and using it to monitor a plurality of different types of transmitters including police, fire, and many more (introduction);

The claimed at least one receiver remote from the transmitters for receiving and announcing the transmitted audio from the plurality of transmitters is met by the Trunk Tracker itself that scans for the active frequencies and announces the audio from those frequencies (page 2);

The claimed receiver having a first control for selecting sequentially announcing the transmitted audio from the transmitters and a plurality of second controls, one for each transmitter, for selecting and announcing the audio from a selected transmitter is met by the Trunk Tracker having both a SCAN mode and a MAN (manual channel/frequency access) buttons that select the particular mode and a plurality of numerical buttons that can select any number of transmitters (pages 4 and 23).

The preamble of the claim stating "a remote child monitoring system" is given little or no weight in consideration of the rejection because it does not breathe life into the claim. However, examiner states that it would have been obvious to one of ordinary skill in the art that the Trunk Tracker would have been able to be used to monitor a plurality of pre-existing child monitoring units operating on separate frequencies in order to monitor more than one child such as at a nursery or day-care center.

Regarding claim 25, the claim is interpreted and rejected as claim 21 stated above.

***Allowable Subject Matter***

3. Claims 16 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

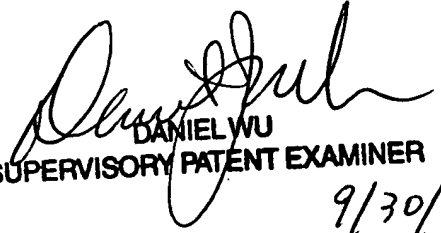
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R. Hunnings whose telephone number is (571) 272-3118. The examiner can normally be reached on 8:00 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TRH

  
DANIEL WU  
SUPERVISORY PATENT EXAMINER  
9/30/05